

REMARKS:

Status Of Claims

Claims 1-20 were previously pending in the application. Claims 1, 3, 5, 9, 15, 18, 19, and 20 have been amended. Thus, claims 1-20 are currently pending in the application with claims 1, 9, 15, and 18 being independent.

Office Action

In the Office Action, the Examiner rejected claims 1-17 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1-20 under 35 U.S.C. 102(b) as being anticipated by Benson U.S. Patent No. 4,441,301. The Examiner further rejected claims 1, 3-6, 8, 9, 11, 12, and 14 under 35 U.S.C. 102(b) as being anticipated by Parker UK Patent No. 2,287,747. Finally, the Examiner rejected claims 2, 7, 10, 13, 15, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Parker.

Claim 1 now recites "an exterior tension member having an exterior bend adapted to allow the exterior tension member to mate with and to apply tension to the bottom surface of the garage door; an interior tension member having an interior bend spaced from the exterior bend...and a seal cavity between the tension members and the bends adapted to slidably receive and to support the seal." Support for this amendment can be found, among other places, on page 6 lines 9-10, page 7 lines 2-4 and 14-20, and figures 5 and 6.

Thus, claim 1 has been amended to further clarify the differences between the present invention and the prior art. As stated in the specification, the design of the present invention allows a user to install the retainer by seating "the exterior gripping edge 58 of the exterior tension member 38 upon the exterior shelf 32 of the exterior lip 26 along its entire length" and then applying "force to the interior tension member 40 so as to seat the interior gripping edge 66 into place upon the interior shelf 34 of the interior lip 28." Page 7, lines 16-20. Furthermore, the user can install a seal by sliding "the retaining member 20 of the seal 12

into the seal cavity 36 of the retainer 10 along its entire length.” Page 7, lines 13-14. These functions present a distinct advantage over the prior art because they enable a user to install the retainer in a wide retainer cavity without the use of tools, before or after the seal has been attached to the retainer. The amendment to claim 1 encompasses elements that enable these functions.

By adapting the tension members to mate with and apply tension to the garage door, the present invention enables the user to install the retainer merely by “applying force.” The position of the bends about which the tension members depress—on either side of the seal cavity—allows the user to easily grip both tension members by resting the retainer in the palm of his or her hand. Furthermore, because the tension members have bends on either side of the seal cavity, the present invention can be installed into a wide retainer cavity for greater stability. The design can easily be modified to be used with cavities of various widths without affecting the capacity of the retainer to hold a seal by varying the distance between bends 48 and 52, and/or the distance between bends 42 and 60. The prior art references cited by the Examiner do not provide these advantages as they do not disclose seal retainers with tension members adapted to apply tension in opposite directions through bends located on either side of a seal cavity.

The Benson patent does not disclose tension members that are adapted to apply tension in opposite directions, but only “a pair of elongated clips” that are part of a barrier strip. Col. 3, lines 17-18. The clips are not adapted to apply tension in opposite directions to secure the barrier strip, but are adapted to receive metal edges of a door to stabilize the door until a foam polymer is injected to rigidify the door. This can be seen in the Benson specification, which explains that the clips may have “serrated edges” and the surface of the door may have “barbs” to “hold [the barrier strip] in position until the foam polymer 16 has been injected and expanded” Col. 3, lines 24-26. The foam polymer essentially acts like glue to hold the door together but also presses the clips against walls of the garage door to apply

tension in one direction only. Thus, the Benson patent does not disclose tension members adapted to secure the barrier strip in place by applying tension in opposite directions. The device described in the Benson patent is limited because the barrier strip cannot be removed or installed after the initial manufacture of the garage door. Furthermore, it would not be obvious to modify the device described in the Benson patent to be secured by tension members applying tension in opposite directions because such a design change would defeat the purpose of the barrier strip, which is to "support and hold the edges" of the door panel. Col. 3, lines 45-47; col. 2, lines 41-45; col. 2, lines 57-59.

The Parker patent does not disclose exterior and interior tension members having exterior and interior bends spaced apart with a seal cavity between the tension members and the bends, wherein the seal cavity is adapted to slidably receive a seal. The Parker patent discloses a spring clip in "modified V-form" with arms depressable about a single bend, or vertex. Page 1, lines 18-22. The arms are "indented towards each other at intermediate points to form a neck," which exerts pressure on the sides of a hole into which the clip is inserted to hold it in place. Page 1, lines 19-20; page 2, lines 15-17. Beyond the neck the arms form "barbed or pointed" jaws that retain the seal by digging into it. Page 1, lines 21-25; page 3 lines 21-22. It is clear from the specification that Parker teaches a spring clip with only one bend, and a seal cavity that is not adapted to slidably receive a seal. The design of the Parker patent lacks the advantages of the present invention for several reasons. First, Parker teaches that the retainer cavity into which the spring clip is inserted is narrower than the seal, because in operation the vertex of the spring clip must be wedged into the retainer cavity. Second, because the seal cavity is not adapted to slidably receive a seal, a user must remove the spring clip from the retainer cavity each time a new seal is installed. Third, the Parker design cannot be modified to have two bends, since it relies on the single bend to form the vertex to wedge into the seal cavity.

ok (1)

Claim 3 now recites "an exterior gripping edge...at an end of the tension member distal to the seal, wherein the gripping edge is adapted to seat upon a shelf of the bottom surface of the garage door." Support for this amendment can be found, among other places, on page 6, lines 17-23. Thus, claim 3 has been amended to further clarify the location of the gripping edge. While the Examiner has cited prior art references that disclose gripping portions, none of the references disclose or make obvious placing a gripping edge "at an end of the tension member distal to the seal."

The Parker patent discloses a spring clip design with a neck that rests against the sides of a cavity. Page 2, lines 15-18. Thus, the gripping portions of the spring clip are not at ends distal to the seal, as in the present invention, but immediately adjacent to the seal. This is clearly demonstrated in Fig. 1. This design has the disadvantage of requiring the user to install the seal at the same time as the spring clip. Page 2, lines 8-18. Thus, the invention of the Parker patent makes the process of replacing the seal long and tedious. The present invention overcomes this disadvantage by placing the gripping edges on tension members at ends distal to the seal, thereby making it possible to install the seal while the retainer is in place.

It would not be obvious to combine the Benson and Parker patents because each teaches away from such a combination. Modifying the serrated clip of the Benson patent, for instance, would defeat the purpose of the Benson patent, which is to "support and hold the edges" of the door panel. Col. 3, lines 45-47; col. 2, lines 41-45; col. 2, lines 57-59. Parker is designed to retain a seal by clutching it with "barbed or pointed" jaws designed to "dig in to the [seal] to positively retain it." Page 1, lines 23-25; page 3, line 22. The spring clips taught by Parker are intended to be disbursed along a surface and retain a seal only at spaced points, requiring strong retention of the seal at each point. Page 2, lines 17-18. The Parker design accommodates that need by ensuring that each clip clutches the seal as tightly as possible. Using a seal retainer that is adapted to slidably receive the seal would not allow

each spring clip to clutch the seal as securely and would decrease the utility of the spring clip. Thus, Parker teaches away from a seal cavity adapted to slidably receive a seal. It would not be obvious, therefore, to combine the Benson and Parker patents because each teaches away from such a combination.

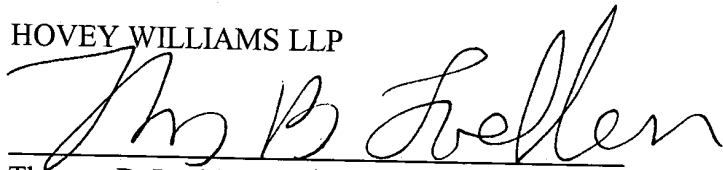
The amendments to claims 5, 9, 15, 18, 19, and 20 are similar to those of claims 1 and 3 described above.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

HOVEY WILLIAMS LLP

By:

A handwritten signature in dark ink, appearing to read "Th B Luebbering", is written over a horizontal line.

Thomas B. Luebbering, Reg. No. 37,874

2405 Grand Boulevard, Suite 400

Kansas City, Missouri 64108

(816) 474-9050

ATTORNEYS FOR APPLICANT

(Docket No. 32105)